

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**UNITED STATES,**

Plaintiff,

-against-

**NOTICE OF MOTION**

**RAFAEL BARRIOS,**

***Docket No.: 07-CRIM-658***

Defendants.

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**DECLARATION OF RAFAEL BARRIOS**

**COMES NOW** Declarant, Rafael Barrios and, after having been duly sworn, does declare under oath the following to be true and correct:

1. I am Rafael Barrios, the Defendant charged in the above-styled cause.
2. On March 30, 2007, in the Bronx, New York, I was standing with three other persons when police officers arrested me, and then discovered a gun discovered underneath a car. The gun was not discovered under the black Chrysler registered in my name.
3. After placing me in handcuffs, and before discovering the gun, the police officers began asking me questions. The questioning continued at the precinct before I was read my Miranda rights.
4. The purpose of this declaration is to establish my right to privacy as to the contents of any vehicle over which I have control without my consenting to such a search. Further, I want to assert my right to be free from searches or questioning that exceed constitutionally permissible bounds.

\_\_\_\_\_  
RAFAEL BARRIOS

The foregoing instrument was sworn to and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 2007 by RAFAEL BARRIOS. He is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC